

DENNIS J. HERRERA, State Bar #139669
City Attorney
JOANNE HOEPER, State Bar #114961
Chief Trial Deputy
ELIZABETH L. DEELEY, State Bar #230798
Deputy City Attorney
Fox Plaza
1390 Market Street, 6th Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3982
Facsimile: (415) 554-3837
E-Mail: elizabeth.deeley@sfgov.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO,

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DENNIS ROZADILLA,

Plaintiff,

vs.

SHERIFF MICHAEL HENNESSEY, et
al.,

Defendants.

Case No. c04-0909 MEJ

**STIPULATION AND ~~PROPOSED~~
ORDER TO CHANGE TIME FOR
EXPERT DISCLOSURES AND
EXPERT DISCOVERY CUTOFF**

U.S.D.C. Northern District
L.R. 6-3

Date Action Filed: July 9, 2004
Trial Date: July 17, 2007

On December 18, 2006, the Court granted the parties' first request to change the deadlines for discovery and dispositive motions. The Court's order set a January 31, 2007 deadline for expert disclosures, February 15, 2007 deadline for rebuttal expert disclosures and March 9 as the cutoff for all discovery, including experts.

The parties, through their undersigned counsel, hereby stipulate to and respectfully request that the Court change the times for expert disclosures from January 31, 2007 to March 15, 2007 and rebuttal expert disclosures from February 15, 2007 to March 30, 2007. Currently the cut off for all

1 discovery is March 9, 2007. The parties also stipulate to and request that the Court set the date for
2 the cutoff of discovery as it pertains to experts only for April 20, 2007. These changes should not
3 effect the trial date.

4 The parties request these changes for the following reasons. First, through the course of
5 discovery, the parties discovered that there are several medical providers for plaintiff whose records
6 have not been produced. Plaintiff does not have those records, so defendant City and County of San
7 Francisco ("defendant") issued third party subpoenas to obtain them. While defendant expected to
8 receive documents in response to those subpoenas by the third week in January, many of the medical
9 providers subpoenaed have not yet produced the requested documents. The parties anticipate that
10 their experts will rely on these additional medical records. Thus, the parties require additional time to
11 obtain these records before completing expert disclosures.

12 Second, the parties seeks to change the date for expert disclosures so that defendant may
13 obtain an independent psychological examination ("IPE") of plaintiff. Plaintiff has placed his
14 psychological condition in controversy and, thus, defendant requested last November that plaintiff
15 stipulate to an IPE. Plaintiff's counsel agreed to discuss such a stipulation with plaintiff, or
16 alternatively seek an order dismissing claims and requests for damages based on plaintiff's
17 psychological condition. However, in the meantime, Plaintiff's counsel learned, and notified
18 defendant's counsel, that plaintiff was unavailable to answer defendant's interrogatory requests or to
19 discuss his claims based on his psychological condition because plaintiff's partner was gravely ill, and
20 plaintiff was completely consumed with caring for her. Based on assurances from plaintiff's counsel
21 that plaintiff intended to respond to defendant's discovery requests and to either stipulate to an IPE or
22 seek an order dismissing his claims based on his psychological condition (and as a courtesy to
23 plaintiff who was apparently dealing with an illness of a loved one), defendant's counsel did not at
24 that time seek an order to compel an IPE or discovery responses. Defendant's counsel learned today
25 that plaintiff has just become available and intends to address these issues sometime next week. In
26 the meantime, however, the parties seek to change the time for expert disclosures, currently set for
27

January 31, 2007, for this additional reason that defendant seeks to have an IPE on plaintiff prior to providing such disclosures.

For these reasons, the parties respectfully requests that the Court change the current scheduling order to reflect the following changes:

- Change the expert disclosure deadline from January 31, 2007 to March 15, 2007
- Change rebuttal expert disclosures from February 15, 2007 to March 30, 2007
- Change expert discovery cutoff from March 9, 2007 to April 20, 2007.

SO STIPULATED

Dated: January 25, 2007

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy
ELIZABETH L. DEELEY
Deputy City Attorney

By: /s/
ELIZABETH L. DEELEY

Attorneys for Defendant
CITY & COUNTY OF SAN FRANCISCO

Dated: January 25, 2007

THE LAW OFFICE OF DENNIS CUNNINGHAM

By: /s/
DENNIS CUNNINGHAM

Attorney for Plaintiff
DENNIS ROZADILLA

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: January 29, 2007

HONORABLE
United States Judge



STIPULATION AND ~~PROPOSED~~ ORDER TO
CHANGE TIME
Rozadilla v. Hennessey, No. C04-0909 MEJ